

Safe Drinking Water Act Assessment Advisory Committee

A Ten Year Retrospective

December 2004

Members of the Safe Drinking Water Act Assessment Advisory Committee

Current Members

David Baier, *Mass. Municipal Association*

Jon Beekman, *Associated Industries of Massachusetts*; Director of Municipal Services, SEA Consultants, Inc.

Elizabeth Ainsley Campbell, *Environmental Agency A*, Executive Director, Nashua River Watershed Association

Anthony Marques, *New England Water Works Association*; Director, Hudson DPW

Thomas Newton, *Western MA Waterworks Association*; Superintendent, Easthampton Water Department

Henry Papuga, *National Association of Water Companies*; Manager, Milford Water Company, Chair

Lawrence Stepenuck, *Rural Community Assistance Program*; Regional Manager, RCAP Solutions, Inc.

Wayne Southworth, *DEP Designee*; Director, Easton DPW

VACANT; Nominations being received, *Environmental Agency B*

VACANT; Nominations being received, *Organization Representing Non-Community Systems*

VACANT; Appointment Pending, *Mass. Water Works Association*

Current Alternates

Ray Raposa, *Alternate for NEWWA*; Executive Director, NEWWA

Joseph Slattery, *Alternate for WMWA*; Southampton Water Department

Barry Woods, *Alternate for RCAP*, RCAP Solutions, Inc.

Past Members

Yvonne Arnheim Drew, *Mass. Association of Campground Owners*

Kerry Mackin, *Ipswich River Watershed Association*

Mindy Roberts, *Charles River Watershed Association*

Stanley Ziomek, *Western MA Waterworks Association*

Nils Miner, *Cape Cod Chamber of Commerce, Kendrick Shores WMS*

James Perry, *Mass. American Water Co.*

David Gold, M.D., *Ashfield Water District*

Robie Hubley, *Mass. Audubon Society*

James Maling, *Mass. Association of Campground Owners*

Doug Finn, *Mass. Association of Campground Owners*

Paul Wingle, *Environmental League of Massachusetts*

Mark Zielinski, *Boston Water & Sewer Commission*

William Drosehn, *Alternate, Western MA Waterworks Association*

Peter G. Christie, *Non-Community Systems*, VP/CEO, Massachusetts Restaurant Association

Barry Woods, C.W.P., *Mass. Water Works Association*; RCAP Solutions, Inc.

Background

The mission of the Department of Environmental Protection (DEP)'s Drinking Water Program (DWP) is to assure the availability of safe drinking water, in adequate quantity, to consumers in the Commonwealth of Massachusetts. Forty-nine states have primacy from the United States Environmental Protection Agency (EPA) for enforcing the federal Safe Drinking Water Act (SDWA). As EPA's primacy agent in Massachusetts, DEP DWP regulates water quality monitoring, new source approvals, water supply treatment, source protection, distribution protection, and reporting of water quality data.

State drinking water programs are struggling to maintain the high levels of public health and safety promised by the SDWA. Over the years it has become clear to EPA and state drinking water programs that the requirements of the SDWA and maintaining primacy far outstrip the resources made available to the states by the federal government.

A 50-state survey conducted by the Association of State Drinking Water Administrators (ASDWA) found that in 2002 available funds covered only 78 percent of program needs and by 2006 available funding will meet only 62 percent of those needs. In 2002 this shortfall was estimated to be \$115 million. By 2006, it is expected to be \$254 million.

In foresighted action in 1993, the Massachusetts legislature established the SDWA Assessment (MGL Ch.21A, s.18A) to provide funding to help DEP and Public Water Systems (PWS) meet increasing responsibilities under the SDWA. The funding was critical for Massachusetts to maintain primacy. If Massachusetts lost primacy, it would lose federal monies that help support drinking water programs and the flexibility to tailor programs to the needs of its regulated community. The assessment is collected from all users of publicly and privately owned public drinking water systems.

The Safe Drinking Water Act Assessment Advisory Committee was established by the Massachusetts legislature to advise DEP on the operation of the program, establishing the rate of assessment for each fiscal year and developing an annual report to the legislature. The committee members are pleased to provide legislators and the drinking water community with this 10-year retrospective report.

Continuity has been provided in operation of the Assessment in that five of the eleven members of the Advisory Committee as well as the three primary Drinking Water Program contacts have served in the same capacities since 1994.

Massachusetts Public Water Systems

Public water systems are large and small, community and non-community, publicly and privately owned. In 1994 there were 1,486 public water systems. In 2004, there are 1,714 systems. The following list describes the types of systems in 2004.

| | |
|---|-----|
| Community Public Water Systems/publicly owned (313 municipal, 4 federal, 15 state) | 332 |
| Community Public Water Systems /privately owned | 187 |
| Transient Noncommunity Systems | 941 |
| Non-Transient Noncommunity Systems | 254 |

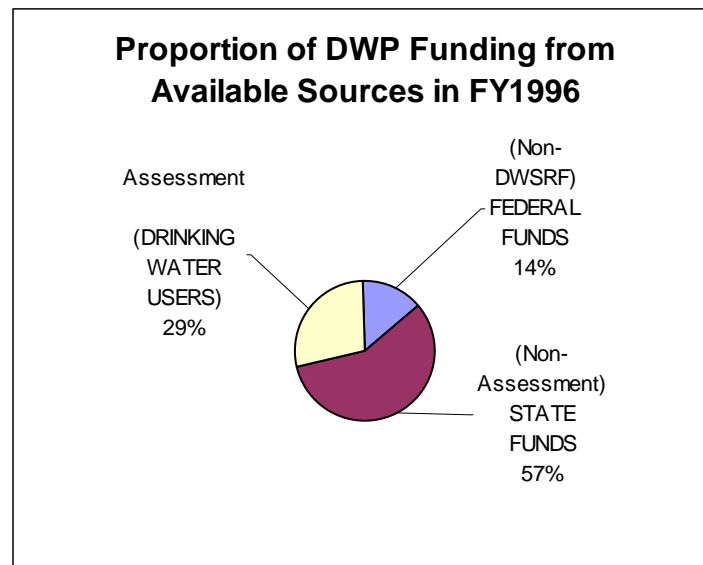
Total **1,714 public water systems**

The Assessment

In **1993** the Advisory Committee recommended to the Commissioner of DEP that the assessment rate for Fiscal Year 1995 (FY 1995) be set at \$8.00 per million gallons of water pumped into systems with master meters. The minimum bill was \$10.00. For systems without master meters, graduated flat amounts from \$35.00 to \$200.00, based on the population served, were established in lieu of assessment. Receipts totaled approximately \$2.4 million. The cost to Massachusetts' residents served by public water systems was about **32 cents** per year.

There was not a mechanism in place at that time for depositing the money into a fund dedicated solely for assessment purposes. A total of \$954,891 was appropriated by the legislature for the assessment program in the FY 1995 budget.

It was estimated in **1996** that the savings for Massachusetts public water systems and consumers from maintaining primacy was between \$360 million and \$760 million. The assessment to that date had cost water consumers approximately \$6.7 million. The savings from maintaining DEP primacy were between 54 and 113 times the cost of the assessment.



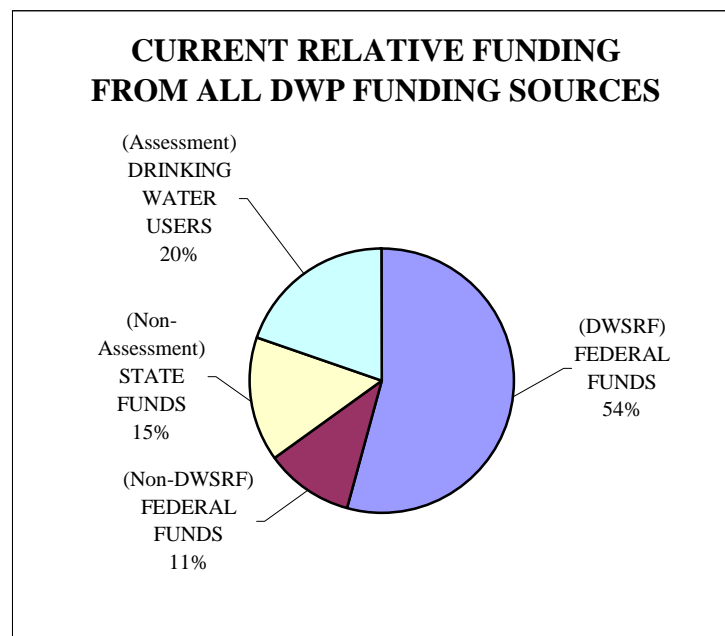
For FY **1997** the Legislature allowed nearly full use of the amount collected for that year and established a separate fund for the assessment receipts.

In September of **2002**, for the first time since the assessment was established, the rate (for FY 2004) was raised – to \$8.50 per million gallons pumped.

In **2003** the legislature eliminated most special funds, including the Safe Drinking Water Act Assessment fund, for fiscal year 2004 and beyond. The Assessment revenue is now deposited in the general fund and then returned to the Drinking Water Program through legislative appropriation and related draws from the general fund for overhead and indirect costs.

On September 14, **2004**, advisory committee members voted to recommend that DEP maintain the fiscal year 2006 rate at the same level as the prior year, \$8.50 per million gallons of water drawn into each system with master meters. The minimum bill is \$10.00. The payment in lieu of assessment for systems without master meters ranges from \$50.00 to \$250.00 based on a figure empirically derived from the statistics for metered systems.

The total amount to be raised by the FY 06 assessment at these rates will be approximately **\$2.2 million**. The cost to each of the 6,179,037 Massachusetts residents served by public water systems is about **37 cents** per year.



Savings for Massachusetts Consumers

Over the past ten years, the assessment has allowed DEP to maintain primacy and offer programs that have saved public water systems and their customers hundreds of millions of dollars in cost savings and avoided costs. The programs also require public water systems to implement a water supply protection component. This helps to ensure the protection of public health and the environment.

Examples of those savings include the following.

- In exchange for effective watershed protection and a DEP-approved watershed protection plan, DEP issues filtration waivers to eligible public water systems. The Filtration Waiver Program provides savings to customers by avoiding the construction of a water filtration plant, the cost of treatment chemicals and the operation and maintenance costs of running a treatment plant. Over the ten years of the program, hundreds of millions of dollars have been saved.
- DEP provides water quality monitoring waivers to public water systems on a statewide basis for contaminants that are not generally used or found in Massachusetts and individual system waivers for synthetic organic compounds (SOCs), volatile organic compounds (VOCs) and inorganic compounds (IOCs) if initial testing and land use factors do not indicate the presence of those substances. The public water system must also demonstrate effective water supply protection as a requirement of obtaining a waiver.
- DEP's Disinfection Log Credit Program provides up to 0.5 log credit toward disinfection requirements for systems that have a DEP-approved protection plan and effective watershed protection. Hundreds of thousands of dollars have been saved and costs avoided due to reduced requirements for treatment plant construction and chemical use.
- DEP may issue exceptions for water treatment at ground water sources under the influence of surface waters based on the results of initial water testing.

Additional benefits to Massachusetts public water systems and their customers include:

- by using assessment funds to focus on activities not covered by the Drinking Water State Revolving Fund (DWSRF), DEP maximizes the amount of funding for direct assistance loans to public water systems for infrastructure improvements. The Assessment has been and continues to be focused on activities not covered by the DWSRF;
- the assessment is the principal match support for the DWSRF 10% State Program Management Set-Aside (every assessment dollar in staff expenses used as match for the DWSRF thereby doubles in value);
- DEP technical outreach, workshops and other educational programs provide public water suppliers with the opportunity to earn Training Credit Hours (TCHs) that are required for them to maintain their certified drinking water operator professional status;
- the assessment program has resulted in more meters being installed, improving greatly the accuracy of reported water use data and presenting a much clearer picture of water use in Massachusetts; and

- in many cases, water metering (in conjunction with water conservation efforts) has resulted in a lower local water bill for consumers.

Highlights of Ten Years of Accomplishments Enabled Through Assessment Funding

The Advisory Committee issues an Annual Report to the Legislature. Copies are deposited in the State Library in the State House. The reports describe accomplishments achieved directly and indirectly through assessment funding. The primary goal of the Assessment, keeping Massachusetts Public Water Systems regulated by the Commonwealth through State Primacy, continues to be met. This provides local knowledge and greater flexibility for many systems in meeting certain Safe Drinking Water Act requirements. The following list contains highlights of accomplishments noted in the reports.

- registered approximately 500 existing but previously unknown public water systems
- initiated a pilot project to determine occurrence of viruses in groundwater
- initiated Memorandum of Understanding with the Massachusetts Department of Public Health to more closely monitor waterborne disease investigation
- issued hundreds of water quality monitoring waivers after reviewing water quality data and approving local protection strategies
- developed a small systems mentoring project
- developed a self-survey program for transient, non-community systems (TNCs) to ensure better compliance
- developed a TNC technical assistance manual and distributed it to hundreds of systems
- contracted with mobility partners to assist suppliers on several topics
- completed the Final Drinking Water Program Compliance Strategy to streamline enforcement, expedite compliance and reduce non-compliance
- conducted compliance assistance work for Statistical Reporting, Ground Water Under the Influence, Consumer Confidence Reporting, Cross Connection Control, Certified Operator, and other regulatory requirements
- promulgated the updated Mass. drinking water regulations, 310 CMR 22.00, for the Interim Enhanced Surface Water Treatment Rule, Disinfection Byproducts Rule, Public Notification, Lead & Copper & other new federal rules
- issued notes quarterly *In The Main* newsletter to announce new initiatives, federal rules changes, grants and other timely information to public water suppliers, municipalities and others
- increased frequency of inspections to once every three years for community and non-transient, non-community systems
- developed and distributed water supply outreach and training materials; conducted workshops and training opportunities for public water systems, municipal officials, and others; provided training contact hours to hundreds of water suppliers to meet requirements to maintain their professional certification
- promulgated updated Mass. drinking water regulations required by 1996 SDWA changes
- through 100% matching funds with the DWSRF, developed the Source Water Assessment and Protection Program and completed land use inventories, assessments reports and mapping to determine the susceptibility to potential contamination at approximately 1700 public water systems
- developed Consumer Confidence Report Program, provided on-line report form, reviewed Reports and provided hundreds of technical assistance reports

- simplified processes, shortened review times, made information and forms accessible electronically

Conclusion

The committee firmly believes that DEP DWP will continue to take full advantage of resources provided by the assessment to accomplish their required tasks. In doing so, public water systems in Massachusetts and their customers will continue to receive numerous benefits, including technical assistance, compliance assistance and financial savings.